

AGGRAVATED KIDNAPPING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This bill modifies a provision related to aggravated kidnapping.

Highlighted Provisions:

This bill:

- clarifies that aggravated kidnapping is punishable by a prison sentence of life without parole if the defendant causes serious bodily injury to the victim during the course of committing the offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-302, as last amended by Laws of Utah 2019, Chapter 106

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-5-302** is amended to read:

76-5-302. Aggravated kidnapping.

(1) An actor commits aggravated kidnapping if the actor, in the course of committing unlawful detention or kidnapping:

- (a) uses or threatens to use a dangerous weapon as defined in Section **76-1-601**; or

- (b) acts with intent:

(i) to hold the victim for ransom or reward, or as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct;

(ii) to facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony;

(iii) to hinder or delay the discovery of or reporting of a felony;

(iv) to inflict bodily injury on or to terrorize the victim or another individual;

(v) to interfere with the performance of any governmental or political function; or

(vi) to commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses.

(2) As used in this section, "in the course of committing unlawful detention or kidnapping" means in the course of committing, attempting to commit, or in the immediate flight after the attempt or commission of a violation of:

(a) Section 76-5-301, kidnapping; or

(b) Section 76-5-304, unlawful detention.

(3) Aggravated kidnapping in the course of committing unlawful detention is a third degree felony.

(4) Aggravated kidnapping is a first degree felony punishable by a term of imprisonment of:

(a) except as provided in Subsection (4)(b), (4)(c), or (5), not less than 15 years and which may be for life;

(b) except as provided in Subsection (4)(c) or (5), life without parole, if the trier of fact finds that during the course of the commission of the aggravated kidnapping the defendant caused serious bodily injury to the victim or another individual; or

(c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated kidnapping, the defendant was previously convicted of a grievous sexual offense.

(5) If, when imposing a sentence under Subsection (4)(a) or (b), a court finds that a lesser term than the term described in Subsection (4)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment

58 of not less than:

59 (a) for purposes of Subsection (4)(b), 15 years and which may be for life; or

60 (b) for purposes of Subsection (4)(a) or (b):

61 (i) 10 years and which may be for life; or

62 (ii) six years and which may be for life.

63 (6) The provisions of Subsection (5) do not apply when a person is sentenced under

64 Subsection (4)(c).

65 (7) Subsections (4)(b) and (c) do not apply if the defendant was younger than 18 years

66 of age at the time of the offense.

67 (8) Imprisonment under Subsection (4) is mandatory in accordance with Section

68 76-3-406.